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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**

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9 Mark E Stuart, et al.,

No. CV-21-01917-PHX-DJH

10 Plaintiffs,

**ORDER**

11 v.

12 Jim Thompson, et al.,

13 Defendants.

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15 Before the Court is Defendants' Rule 60(a) Motion to Amend or Correct Order of  
16 Dismissal (Doc. 73). Therein, Defendants correctly note that in its September 9, 2024,  
17 Order, the Court erroneously permitted Count Three of Plaintiffs' Complaint to proceed  
18 against "former Scottsdale City Attorney Washburn." (Doc. 71 at 65). Plaintiffs' Second  
19 Amended Complaint, however, only asserts an unlawful seizure claim against Defendants  
20 Scott, Santaella, and Thompson. (Doc. 36 ¶ 172). The Order also erroneously dismisses  
21 Defendant Santaella despite allowing Count Three to proceed against this Defendant.  
22 (Doc. 71 at 65).

23 The Court instructed Plaintiff to file any objection to Defendants' Rule 60 Motion  
24 on or before October 11, 2024 (Doc. 74). Plaintiff has not done so. At the parties' Rule  
25 16 Scheduling Conference on October 21, 2024, undersigned informed the parties she  
26 would be granting Defendants' Motion.

27 Accordingly,

28 **IT IS ORDERED** granting Defendants' Rule 60(a) Motion to Amend or Correct

1 Order of Dismissal (Doc. 73). The last sentence of the Court's September 9, 2024, Order  
2 (Doc. 71), shall be **amended** to clarify that the remaining Defendants in this matter are  
3 Scottsdale City Manager Thompson, Deputy City Attorney Luis Santaella, and City  
4 Attorney Sherry Scott. Defendants Bruce Washburn and Unknown Washburn are  
5 **dismissed** with prejudice from this action. Defendant Luis Santaella shall be **reinstated**  
6 as a Defendant.

7 Dated this 21st day of October, 2024.

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11 Honorable Diane J. Humetewa  
12 United States District Judge  
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